

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED
DEC 14 2021
CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

Criminal No. 21-502

KAUNG MYAT KYAW

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Cindy K. Chung, United States Attorney for the Western District of Pennsylvania, and Carolyn J. Bloch, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A federal grand jury returned a four-count Indictment against the above-named defendant for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
One through Four	Coercion and Enticement and Attempted Coercion and Enticement of a Minor to Engage in Illegal Sexual Activity August 9, 2020 to September 9, 2020 September 9, 2020 to September 12, 2020 October 2020 to December 23, 2020 February 2021 to March 25, 2021	18 U.S.C. § 2422(b)

II. ELEMENTS OF THE OFFENSES

As to Counts 1 through 4:

In order for the crime of Coercion and Enticement and Attempted Coercion and Enticement of a Minor to Engage in Illegal Sexual Activity, in violation of 18 U.S.C. § 2422(b),

to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant used the mail or any facility or means of interstate or foreign commerce;
2. To knowingly persuade, induce, entice or coerce any individual who had not attained the age of 18 years, or attempted to do so;
3. To engage in prostitution or any sexual activity for which any person can be charged with a criminal offense.

Title 18, United States Code, Section 2422(b).

III. PENALTIES

As to Count 1: Coercion and Enticement and Attempted Coercion and Enticement of a Minor to Engage in Illegal Sexual Activity (18 U.S.C. § 2422(b)):

1. Imprisonment of not less than ten (10) years and not more than life (18 U.S.C. § 2422(b), effective July 27, 2006).
2. A fine of not more than \$250,000.00 (18 U.S.C. §3571(b)(3)).
3. Supervised release for any term of years not less than 5, or life (18 U.S.C. § 3583(k)).
4. Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

With respect to Counts One through Four an additional special assessment of \$5000.00 must be imposed per count of conviction as the offenses were committed after May 29,

2015, and the offenses are located within Chapter 117 of Title 18, United States Code. 18 U.S.C. § 3014(a).

V. RESTITUTION

Restitution may be required in this case as to Counts One through Four, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

As to Counts One through Four, pursuant to 18 U.S.C. § 2259(b)(2)(B), the amount of restitution per victim shall not be less than \$3,000.00.

VI. FORFEITURE

As set forth in the Indictment, forfeiture may be applicable in this case.

Respectfully submitted,

CINDY K. CHUNG
United States Attorney

/s/ Carolyn J. Bloch
CAROLYN J. BLOCH
Assistant U.S. Attorney
PA ID No. 53430